

URGENT APPEAL - Malaysia: Police raid at the offices of Bersih 2.0 and arbitrary arrest

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Malaysia: Police raid at the offices of Bersih 2.0 and arbitrary arrest of Ms. Maria Chin Abdullah, Mr. Mandeep Singh and seven supporters of the Bersih 5 rally

18/11/2016 URGENT APPEAL - Human Rights Defenders

Malaysia

Author Apa masalah

New information

MYS 001 / 1116 / OBS 096.1

Raid of NGOs office /

Arbitrary arrest / Seizure of equipment /

Obstacle to freedom of assembly

November 18, 2016

The Observatory for the Protection of Human Rights Defenders, a partnership of the World Organisation Against Torture (OMCT) and FIDH, requests your urgent intervention in the following situation in Malaysia.

New information:

The Observatory has been informed by Suara Rakyat Malaysia (SUARAM) about a police raid at the offices of Bersih 2.0 [\[1\]](#) and the arbitrary arrest of Ms. Maria Chin Abdullah, Chairperson of Bersih 2.0, and Mr. Mandeep Singh, Bersih 2.0 Secretariat Manager, as well as seven supporters of the Bersih 5 rally [\[2\]](#).

According to the information received, on November 18, 2016, at about 3pm, Bukit Aman police raided Bersih 2.0's office in Petaling Jaya, Selangor State, for suspected violation of Article 124C of the Criminal Code ('attempt to commit activity detrimental to parliamentary democracy') [\[3\]](#).

Police officers prevented Bersih 2.0 staff from leaving the office and stopped lawyers from entering the premises. They arrested Ms. Maria Chin Abdullah and Mr. Mandeep Singh and took them to the Petaling Jaya district police headquarters for questioning. The police also confiscated laptops, phones, and bank and payroll statements from the Bersih 2.0 office.

The arrests of Ms. Maria Chin Abdullah and Mr. Mandeep Singh and the raid on the Bersih 2.0 office occurs one day before the Bersih 5 rally.

On the same day, in separate incidents in Petaling Jaya and Kuala Lumpur, police took into custody seven other Bersih 5 supporters: Mr. S. Arutchelvan, Socialist Party of Malaysia (PSM) member; Messrs. Ronnie Liu, Andy Wong and Lee Khai Ming, Democratic Action Party (DAP) members; Mr. Anthony Loke, DAP Member of Parliament (MP); and Mr. Mhamad Luqman Nul Haqim and Ms. Anis Syafiqah, student leaders.

The Observatory condemns the arbitrary arrest of Ms. Maria Chin Abdullah, Messrs. Mandeep Singh, S. Arutchelvan, Ronnie Liu, Andy Wong, Lee Khai Ming, Anthony Loke, Mhamad Luqman Nul Haqim and Ms. Anis Syafiqah, and calls on the authorities to immediately and unconditionally release them. The Observatory also urges the authorities to put an immediate end to the harassment of Bersih 5 organisers and supporters.

Background information:

Over the past weeks, Bersih 2.0 members, including in particular Ms. Maria Chin Abdullah, have been subjected to harassment and threats.

In October, Ms. Maria Chin Abdullah received a number of death threats. On October 17, 2016, she received violent messages on her mobile phone that threatened her, her sons, Mr. Mandeep Singh and former Co-Chair of Bersih Ms. Ambiga Sreenevasan, and warned her of reprisals if she proceeded with organising the November 19 Bersih 5 rally. The messages claimed to be from the 'Islamic State Malaysia'.

On November 11, 2016, Ms. Maria Chin Abdullah received photoshopped images of herself, her three sons, Mr. Mandeep Singh and Ms. Ambiga Sreenevasan, being beheaded by ISIS on her mobile phone. She subsequently lodged a police report on the incident.

Ms. Maria Chin Abdullah has also been subjected to harassment by the authorities. On October 29, 2016, she was arbitrarily arrested under Article 11 of the 1984 Printing Presses and Publications Act for distributing Bersih 5 leaflets in Kota Marudu, Sabah State. She was brought to Kota Marudu district police headquarters for questioning and subsequently released on bail. Several other individuals have also been threatened with arrest under the 1984 Printing Presses and Publications Act and the 1948 Sedition Act for distributing the same leaflets.

On November 4, 2016, Ms. Maria Chin Abdullah was briefly detained for questioning at the Bukit Aman police headquarters over allegations that Bersih 2.0 received foreign funding, which the police claimed was in violation of Article 124C of the Criminal Code ('attempt to commit activity detrimental to parliamentary democracy'). She was released on the same day pending further investigations. During questioning, the police officers told her that she would be summoned after the November 19 rally.

Authorities have also threatened Bersih 2.0 with legal action in relation to the November 19 Bersih 5 protest. On November 3, 2016, Home Affairs Minister Ahmad Zahid Hamidi warned Bersih 5 organisers that they would face legal action if the rally went ahead. Mr. Zahid claimed Bersih 5 did not comply with the 2012 Peaceful Assembly Act because the rally venue was among the locations prohibited by the Act. Bersih 5 organisers maintain that the planned November 19 rally complies with the legal requirements under the 2012 Peaceful Assembly Act, including the requirement to notify the authorities 10 days before the demonstration.

In addition, other Bersih 2.0 members have been threatened several times. In October 2016, a number of local Bersih 2.0 coordinators were summoned by the police for questioning in the States of Johor, Penang, Selangor, Negeri Sembilan, and Perak, over a Bersih 5 convoy, which travelled from Melaka to Negeri Sembilan from October 6 to 8, 2016.

Bersih 2.0 members also regularly receive threats from the pro-government 'red shirts.' On October 8, 2016, participants of a Bersih 5 convoy were attacked with eggs and firecrackers, and physically assaulted. 'Red shirt' leader Jamal Yunus has said that they would continue to gather, legally or illegally, and use physical force against Bersih 5 participants.

Actions requested:

Please write to the authorities of Malaysia asking them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Maria Chin Abdullah and Mr. Mandeep Singh, as well as of other members of Bersih 2.0, and of all human rights defenders in Malaysia;
- ii. Release Ms. Maria Chin Abdullah, Messrs. Mandeep Singh, S. Arutchelvan, Ronnie Liu, Andy Wong, Lee Khai Ming, Anthony Loke, Mhamad Luqman Nul Haqim and Ms. Anis Syafiqah, immediately and unconditionally, as their detention is arbitrary since it only aims at sanctioning their legitimate human rights activities;
- iii. Put an end to all forms of harassment, including at the judicial level, against Ms. Maria Chin Abdullah and Mr. Mandeep Singh, all Bersih 5 supporters as well as of other members of Bersih 2.0 and of all human rights defenders in the country so that they are able to carry out their work without hindrance;
- iv. Ensure in all circumstances that all human rights defenders in Malaysia are able to carry out their legitimate human rights activities including the organisation of peaceful and unarmed assemblies without any hindrance or fear of violence;
- v. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular with its Articles 1, 5(a), and 12.2;
- vi. Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other international human rights instruments signed or ratified by Malaysia.

Addresses:

- Dato' Sri Mohd Najib bin Tun Abdul Razak, Prime Minister of Malaysia, Fax: +60 3 8888 3444, Email: ppm pmo.gov.my
- Mr. Ahmad Zahid Hamidi, Minister of Home Affairs of Malaysia, Fax: +60 3 8889 1613 / +60 3 8889 1610, Email: webmaster moha.gov.my
- Tan Sri Razali Bin Ismail, Chairman of the Human Rights Commission of Malaysia (SUHAKAM), Fax: +60 3 2612 5620, Email: humanrights suhakam.org.my; hasmyagam suhakam.org.my
- H.E. Mr. Amran Mohamed Zin, Ambassador, Permanent Representative of Malaysia to the United Nations in Geneva, Switzerland. Fax: +41 22 710 75 01, Email: malgeneva kln.gov.my
- Embassy of Malaysia in Brussels, Belgium, Fax: +32 2 762 50 49, Email: malbrussels kln.gov.my

Please also write to the diplomatic representations of Malaysia in your respective countries.

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<https://www.fidh.org/en/issues/human-rights-defenders/malaysia-police-raid-at-the-offices-of-bersih-2-0-and-arbitrary>

Malaysia: Threats and judicial harassment of Ms. Maria Chin Abdullah and several organisers of Bersih 5 rally

MYS 001 / 1116 / OBS 096

Death threats /

Arbitrary arrest / Release / Judicial harassment /

Obstacles to freedom of assembly

Malaysia

November 15, 2016

The Observatory for the Protection of Human Rights Defenders, a partnership of the World Organisation Against Torture (OMCT) and FIDH, requests your urgent intervention in the following situation in Malaysia.

Brief description of the situation:

The Observatory has been informed by reliable sources about renewed threats against, and judicial harassment of, Ms. Maria Chin Abdullah, Chairperson of Bersih 2.0[1], and against several members organisers of the upcoming Bersih 5 rally.

According to the information received, on November 11, 2016, Ms. Maria Chin Abdullah received photoshopped images of herself, her three sons, Bersih Secretariat Manager Mr. Mandeep Singh, and former Co-Chair of Bersih Ms. Ambiga Sreenevasan, being beheaded by ISIS on her mobile phone. She subsequently lodged a police report on the incident.

Over the past few weeks, Ms. Maria Chin Abdullah has received a number of death threats. On October 17, 2016, she received violent messages on her mobile phone that threatened her, her sons, Mr. Mandeep Singh and Ms. Ambiga Sreenevasan, and warned her of reprisals if she proceeded with organising the November 19 Bersih 5 rally.[2] The messages claimed to be from the 'Islamic State Malaysia'.

Ms. Maria Chin Abdullah has also been subjected to harassment by the authorities. On October 29, 2016, she was arbitrarily arrested under Article 11 of the 1984 Printing Presses and Publications Act for distributing Bersih 5 leaflets in Kota Marudu, Sabah State. She was brought to Kota Marudu district police headquarters for questioning and subsequently released on bail. Several other individuals have also been threatened with arrest under the 1984 Printing Presses and Publications Act and the 1948 Sedition Act for distributing the same leaflets.

On November 4, 2016, she was briefly detained for questioning at the Bukit Aman police headquarters over allegations that Bersih 2.0 received foreign funding, which the police claimed was in violation of Article 124C of the Criminal Code ('attempt to commit activity detrimental to parliamentary democracy')[3]. She was released on the same day pending further investigations. During questioning, the police officers told her that she would be summoned after the November 19 rally.

Moreover, on November 3, 2016, Home Affairs Minister Ahmad Zahid Hamidi warned Bersih 5

organisers that they would face legal action if the rally went ahead. Mr. Zahid claimed Bersih 5 did not comply with the 2012 Peaceful Assembly Act because the rally venue was among the locations prohibited by the Act. Bersih 5 organisers maintain that the planned November 19 rally complies with the legal requirements under the 2012 Peaceful Assembly Act, including the requirement to notify the authorities 10 days before the demonstration.

In that context, other Bersih 2.0 members have been threatened several times. In October 2016, a number of local Bersih 2.0 coordinators were summoned by the police for questioning in the States of Johor, Penang, Selangor, Negeri Sembilan, and Perak, over a Bersih 5 convoy, which travelled from Melaka to Negeri Sembilan from October 6 to 8, 2016.

Bersih members also regularly receive threats from the pro-government 'red shirts.' On October 8, 2016, participants of a Bersih 5 convoy were attacked with eggs and firecrackers, and physically assaulted. 'Red shirt' leader Jamal Yunus has said that they would continue to gather, legally or illegally, and use physical force against Bersih 5 participants.

The Observatory strongly condemns the above-mentioned threats and acts of harassment against Ms. Maria Chin Abdullah, Mr. Mandeep Singh, Ms. Ambiga Sreenevasan, as well as other members of Bersih 2.0, which only aim at preventing them from exercising their legitimate human rights activities, especially their right to freedom of peaceful assembly.

Moreover, the Observatory urges the authorities to drop the unlawful ban on Bersih 5.

Actions requested:

Please write to the authorities of Malaysia asking them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Maria Chin Abdullah, Mr. Mandeep Singh, and Ms. Ambiga Sreenevasan as well as of other members of Bersih 2.0, their relatives and of all human rights defenders in Malaysia;
- ii. Put an end to all forms of harassment, including at the judicial level, against Ms. Maria Chin Abdullah, Mr. Mandeep Singh, and Ms. Ambiga Sreenevasan as well as of other members of Bersih 2.0 and of all human rights defenders in the country so that they are able to carry out their work without hindrance;
- iii. Undertake a thorough, impartial, and transparent criminal investigation into the death threats and assault against Ms. Maria Chin Abdullah, Mr. Mandeep Singh, and Ms. Ambiga Sreenevasan, in order to identify those responsible, bring them before a competent and impartial tribunal, and apply to them the sanctions provided by the law;
- iv. Ensure in all circumstances that all human rights defenders in Malaysia are able to carry out their legitimate human rights activities including the organisation of peaceful and unarmed assemblies without any hindrance or fear of violence;
- v. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular with its Articles 1, 5(a), and 12.2;
- vi. Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other international human rights instruments signed or ratified by Malaysia.

Addresses:

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- Tan Sri Razali Bin Ismail, Chairman of the Human Rights Commission of Malaysia (SUHAKAM), ax: +60 3 2612 5620, Email: humanrights suhakam.org.my; hasmyagam suhakam.org.my
- H.E. Mr. Amran Mohamed Zin, Ambassador, Permanent Representative of Malaysia to the United Nations in Geneva, Switzerland. Fax: +41 22 710 75 01, Email: malgeneva kln.gov.my
- Embassy of Malaysia in Brussels, Belgium, Fax: +32 2 762 50 49, Email: malbrussels kln.gov.my

Please also write to the diplomatic representations of Malaysia in your respective countries.

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Paris-Geneva, November 15, 2016

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and OMCT. The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

Notes

[1] The Coalition for Clean and Fair Elections (Bersih) is a non-partisan, civil society campaign created in 2006 and endorsed by over 60 Malaysian non-governmental organisations, which seeks to reform the electoral system in Malaysia to ensure free, clean, and fair elections and to promote the respect of democratic rights.

[2] The Bersih 5 has been organised in response to a corruption scandal involving about US\$1 billion in State assets connected to Prime Minister Najib Razak. For more information see: <http://www.bersih.org/>

[3] Article 124C of the Malaysian Criminal Code states that "Whoever attempts to commit an activity detrimental to parliamentary democracy or does any act preparatory thereto shall be punished with imprisonment for a term which may extend to 15 years."

Footnotes

[1] The Coalition for Clean and Fair Elections (Bersih) is a non-partisan, civil society campaign created in 2006 and endorsed by over 60 Malaysian non-governmental organisations, which seeks

to reform the electoral system in Malaysia to ensure free, clean, and fair elections and to promote the respect of democratic rights.

[2]] The Bersih 5 has been organised amid corruption allegations involving Malaysian Prime Minister Najib Razak, in connection with misappropriation of funds by the debt-ridden state-owned investment firm 1Malaysia Development Berhad (1MDB).

[3] Article 124C of the Malaysian Criminal Code states that “Whoever attempts to commit an activity detrimental to parliamentary democracy or does any act preparatory thereto shall be punished with imprisonment for a term which may extend to 15 years.”